

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSEPH BLEA,

Petitioner,

v.

No. 20-cv-986 JCH-JHR

RICHARD MARTINEZ and
ATTORNEY GENERAL OF THE
STATE OF NEW MEXICO,

Respondents.

SECOND ORDER DIRECTING AMENDMENT

THIS MATTER comes before the Court on Petitioner Joseph Blea's Second Memorandum to Append Section 2254 Federal Habeas Corpus Petition [Doc. 14] filed November 24, 2021, and Supplemental Memorandum to Append 2254 Federal Habeas Corpus Petition [Doc. 15] filed March 29, 2022.

Blea filed a 134-page Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus By a Person in State Custody on September 25, 2020 [Doc. 1], a Motion for Production of Discovery on November 19, 2020 [Doc. 3], and a 347-page Memorandum to Append "Motion for Production of Discovery" and Section 2254 Federal Habeas Corpus Petition on December 7, 2020 [Doc. 4]. The Court denied the motion for production of discovery as premature and instructed Blea to refile his claims on the official § 2254 form that complies with Rule 8(a) because "[t]he Petition and supplement do not contain a short, plain statement of the grounds for relief, as required by Fed. R. Civ. P. 8(a), nor do they 'substantially follow ... the form' § 2254 petition, as required by Habeas Corpus Rule 2d." [Doc. 5, pp. 1]. Blea filed an amended petition on March 15, 2021 [Doc. 7], and Respondents answered on May 20, 2021 [Doc. 11]. Blea did not file a reply and the time to do so

has passed. *See* D.N.M.LR-Civ. 7.4(a).

On November 24, 2021, Blea filed a 65-page second memorandum to append § 2254 petition that has 572 pages of exhibits [Doc. 14]. Based on the Court’s initial review of the record, this Motion is functionally a motion to amend that asks the Court to consider his motion for production [Doc. 3] and his first supplement to the § 2254 petition [Doc. 4] again on the merits. [Doc. 14, p. 2]. On March 29, 2022, Blea filed a 25-page supplemental memorandum to append § 2254 petition [Doc. 15]. Based on the Court’s initial review of the record, this Motion is functionally a notice of supplemental authority since Blea says he “only recently became aware of such ‘relevant authority’ when, during the course of doing legal research, he became familiar with ‘shepardizing.’” [*Id.* p. 2]; *see* D.N.M.LR-Civ. 7.8 (“If controlling authority comes to a party’s attention after the party’s brief has been filed . . . a party must promptly file a ‘Notice of Supplemental Authorities.’”) In the Motion, Blea provides additional authority and arguments to support his § 2254 petition. [*See generally id.*].

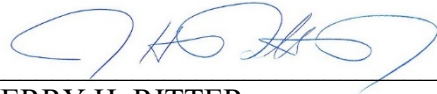
First, “The length of a motion . . . must not exceed twenty-seven (27) double-spaced pages” and “[a]ll exhibits to a motion . . . must not exceed a total of fifty (50) pages[.]” D.N.M.LR-Civ. 7.5, 10.5. The Court will summarily dismiss Blea’s second memorandum to append § 2254 petition [Doc. 14] for failure to comply with local rules 7.5 and 10.5. Furthermore, “[t]he Notice [of Supplemental Authorities] must state the reasons for the supplemental citations, referring either to the page of the brief or to a point argued orally. The body of the Notice must not exceed 350 words.” D.N.M.LR-Civ. 7.8(c). The Court will summarily dismiss the supplemental memorandum to append § 2254 petition [Doc. 15] because it is more than 350 words and does not refer to the pertinent page(s) of the brief.

In the interest of justice, Blea may refile a motion to amend within thirty (30) days of entry

of this Order. If refiling, Blea must also attach a second amended § 2254 petition on the official § 2254 form that complies with Rule 8, the local rules, the Court's earlier order directing amendment [Doc. 5], and this Order. Blea may incorporate additional authorities in the proposed second amended § 2254 petition.

The Court will not consider Blea's motion for production [Doc. 3] and his first supplement to the § 2254 petition [Doc. 4] because the Court already disposed of those documents in its earlier order directing amendment. [Doc. 5].

SO ORDERED.

A handwritten signature in blue ink, appearing to read "J. H. Ritter", is written over a horizontal line.

JERRY H. RITTER
UNITED STATES MAGISTRATE JUDGE